

REMARKS

In response to the Office Action mailed August 26, 2003, Applicants amended claims 1, 4, 8 and 10, cancelled claims 11-19, and added new claim 20. Applicants reserve the right to file one or more related applications directed to the subject matter of the previously presented claims. Support for claim 20 is provided in the application as originally filed at, for example, page 4, lines 9-10 and 17-18.

Claims 1-10 and 20 are presented for examination.

Applicants acknowledge with appreciation the Examiner's indication that claims 1-6 and 9 are in condition for allowance.

The Examiner rejected claim 7 under 35 U.S.C. §112, second paragraph because, in the Examiner's view, the term "leaving group" renders the claim indefinite. However, the term "leaving group", as it appears in claim 7, would readily be understood by one skilled in the art at least because claim 7 recites reactants (e.g., compound IIB) and a product (e.g., compound I). Provided with this information, one skilled in the art would readily understand what groups could act as leaving groups in the methods covered by claim 7. Thus, Applicants request reconsideration and withdrawal of the rejection of claim 7 under 35 U.S.C. §112, second paragraph.

The Examiner rejected claim 8 under 35 U.S.C. §112, second paragraph because, in the Examiner's view, the term "leaving group" renders the claim indefinite. Without conceding the appropriateness of this rejection, Applicants amended claim 8 to obviate this rejection, so the rejection should be withdrawn.

The Examiner rejected claim 8 under 35 U.S.C. §102(b) as being anticipated by DE 4119767 A1 (Gewald I) and Journal fuer Praktische Chemie (Gewald II). However, neither Gewald I nor Gewald II disclose the compounds covered by claim 8 as amended. Applicants therefore request reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §102(b).

The Examiner rejected claim 10 under 35 U.S.C. §112, first paragraph because, in the Examiner's view, the specification does not enable solvates. Without conceding the

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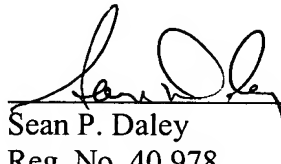
appropriateness of this rejection, Applicants have amended the claim to obviate this rejection, so the rejection should be withdrawn.

The other rejections, as well as the objection to claim 12, should be withdrawn in view of Applicants' cancellation of claims 11-19.

Applicants believe the application is in condition for allowance, which action is requested. Enclosed is a Petition for a Two Month Extension of Time for replying to the Office Action, along with a check to cover fees associated the petition. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 1/21/04


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